



Agreed Upon Disposition for Mandated Participation in Health Professionals Assistance Program (HPAP), Stayed Suspension and Waiver of Hearing  
Licensee: Douglas Gibson, RN

WHEREAS, the Board has a statutory obligation to protect the public health, safety, and welfare set forth in SDCL § 36-9-1.1, including the protection of the public from unsafe nursing practices and practitioners;

WHEREAS, it is the intent of this agreement to provide for a resolution of the licensing issues presented by the Applicant's conduct and pending application for a South Dakota license, in a professional manner, without the necessity of further proceedings herein and without the need for a formal hearing;

WHEREAS, Applicant hereby agrees, in order to receive a single-state license in South Dakota, to be mandated into the Health Professionals Assistance Program ("HPAP") with terms and conditions to be determined by HPAP;

WHEREAS, per the Nurse Licensure Compact Regulations, Applicant understands that one mandated into such a program as HPAP is granted a single-state license only;

WHEREAS, Applicant understands that participation in HPAP is mandatory in order to maintain a single-state license in South Dakota. To meet the terms of this agreement, Applicant must be demonstrating active participation in HPAP within five (5) business days of Applicant signing this Agreed Upon Disposition;

WHEREAS, Applicant also hereby agrees to a Suspension of his South Dakota license upon issuance, such Suspension to be stayed so long as Applicant is not unsuccessfully discharged by HPAP. If HPAP issues an unsuccessful discharge, Applicant's South Dakota license is automatically and immediately suspended and the stay is lifted. When Applicant is successfully discharged from HPAP, the stayed suspension terminates;

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WHEREAS, Applicant understands that a stayed suspension is reportable discipline which will be published in the Board's newsletter, posted on its website, and reported into the National Practitioner Data Bank (NPDB) as required by law. As the stayed suspension is reportable discipline, Applicant is required to provide an affirmative response to inquiries of disciplinary action on further renewals and other nursing related inquiries; and

WHEREAS, Applicant agrees and understands that any failure to comply with any aspect of the HPAP program and its contract, even noncompliance less than an unsuccessful discharge, will be reported to the Board for further action as deemed appropriate by the Board.

NOW, THEREFORE, it is hereby stipulated and agreed as follows:

1. The Board has jurisdiction over the person of the Applicant and the subject matter of this Order.
2. The Board asserts and the Licensee admits to the facts stated herein.
3. Applicant recognizes that his conduct in Missouri is of a nature that would constitute grounds for discipline of Applicant's license to practice as a nurse in the State of South Dakota under SDCL § 36-9-49 and/or SDCL § 36-9-49.1.
4. Applicant understands that Applicant has a right to a contested hearing case pursuant to SDCL Ch. 1-26 regarding this matter and that such rights under SDCL Ch. 1-26 include, but are not limited to: a contested case hearing before the Board, to be present at the contested case hearing, to be represented by legal counsel, to introduce evidence and testimony on Applicant's behalf, to call witnesses, to cross-examine witnesses, to inspect all documentary evidence submitted to the Board, and to appeal the Board's decision to the South Dakota Circuit Court and Supreme Court, as provided by law.

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5. By entering into this agreed-upon disposition with the Board, Applicant hereby knowingly and voluntarily waives the above rights and agrees that this matter will be resolved according to the procedures outlined in ARSD 20:48:08:12(3) by an agreed upon issuance of a Mandated Participation in Health Professionals Assistance Program (HPAP) and Stayed Suspension.

6. Applicant has been given the opportunity to discuss this agreed-upon disposition with an attorney of Applicant's choice and is aware of Applicant's rights as outlined above. Applicant voluntarily waives all such rights to a hearing, notice, appearance, or other rights. Applicant is entering into this agreed-upon disposition voluntarily and without duress or compulsion.

7. If Applicant violates any provision of Applicant's HPAP participation agreement, Applicant understands that the Board will be notified and the Applicant may be subject to discipline and reporting as determined by the Board.

8. If Applicant is unsuccessfully discharged from HPAP, Applicant's license will be immediately and automatically suspended, without the necessity of further notice, hearing, or findings and conclusions, such being waived through this Agreed Upon Disposition.

NOW, THEREFORE, the foregoing Agreed Upon Disposition for Mandated Participation in HPAP, Stayed Suspension and Waiver of Hearing is respectfully submitted to the Board with the request that the Board adopt its terms as an Order of the Board in the above matter.

Dated this 17 day of October, 2019.

  
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Douglas Gibson, Applicant

